



## **ADMINISTRATIVE ORDER #000001/101106**

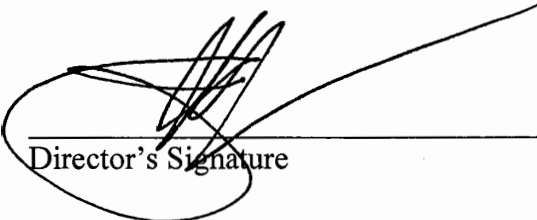
### **CODE INTERPRETATION**

#### **CODE SECTION: SMC 20.40.120**

- I. ISSUE:** Under SMC 20.20.016 the definition for Single-Family Attached also meets the definition of Apartment use (that is, Single-Family Attached is a subset of Apartment). However, the residential use matrix in SMC 20.40.120 differentiates between “Apartments” and “Single-Family Attached.” In fact, for some commercial zoning districts Apartments are a permitted use while Single-Family Attached is not. Therefore, an argument can be made that a single-family attached project is allowed in those zones despite not being designated a permitted use because they meet the definition of apartment which is a permitted use.
- II. FINDINGS:**
- A. “Apartment” is a permitted use in the CB & NCBD and RB & I zoning districts under SMC 20.40.120.
  - B. “Single-Family Attached” is not a permitted use in the CB & NCBD and RB & I zoning districts under SMC 20.40.120.
  - C. The definition of “Dwelling, Apartment” under SMC 20.20.016 – D definitions is a building containing three or more dwelling units that may be located one over the other in a multi-unit configuration.
  - D. The definition of “Dwelling, Single-Family Attached” is a building containing more than one dwelling unit attached to two or more dwelling units by common vertical wall(s), such as townhouse(s). Single-family attached dwellings shall not have units located one over another.
  - E. A “Dwelling, Single-Family Attached” is also an “Apartment” as it is a building with three or more dwelling units.
  - F. LU17 of the Comprehensive Plan states appropriate zoning designations for mixed use include Community Business (CB) and Regional Business(RB).
  - G. LU18 of the Comprehensive Plan states the CB designation provides for retail, office and service uses and high density residential uses.
  - H. LU19 of the Comprehensive Plan states the RB designation provides for retail, office and service uses, high density residential uses and some industrial uses.

**II. CONCLUSIONS:** SMC 20.40.120 allows apartments in the CB & NCBD and RB & I zoning districts as a way to provide for mixed use development. However, in the Comp Plan the only residential uses envisioned for those zones are high density residential uses. Therefore, attached single-family uses, which typically are not a high density use, are not appropriate for the CB and RB zoning districts.

**III. DECISION:** Attached single-family and townhouses are not a permitted use in the CB & NCBD and RB & I zoning districts even though they meet the definition of apartment.

  
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Director's Signature

10/16/06  
\_\_\_\_\_  
Date